

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

CIVIL ACTION NO. 03-cr-50033-3

VERSUS

JUDGE WALTER

REGAN GATTI

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

The court has scheduled an evidentiary hearing on Regan Gatti's Section 2255 claims that survived a prior ruling. The court appointed attorney Lee Harville to represent Gatti in the proceedings. Before the court is Gatti's pro se Motion to Dismiss Appointed Counsel (Doc. 405).

Gatti complains that attorney Harville refuses to interview and investigate all of the persons Gatti would like to use as witnesses at the hearing, particularly regarding Larry Thompson, Sr.'s reputation for violence. Gatti earlier complained that he wished to subpoena scores of witnesses related to the duress defense issue and that he wanted a different attorney. The court considered the witness issues at length at a conference and determined that it was reasonable to permit Gatti to call approximately five of the many possible witnesses on the issue of Thompson, Sr.'s reputation. The court noted that if that testimony or other evidence at the hearing demonstrated that additional witnesses were necessary to present a fair case, the court would consider holding the record open to receive additional testimony before any ruling issues. The court added that it was satisfied that Mr. Harville was diligently pursuing the issues in the case and in a reasonable and

professional manner. See Doc. 387. Because the court has limited the number of witnesses who may be called on the duress issue, Mr. Harville would be largely wasting his time if he were to interview the many other potential witnesses that Gatti might identify.

Gatti states that he has numerous, irreconcilable differences with attorney Harville and that he wishes to proceed pro se, without counsel. The court is confident, based on Mr. Harville's performance before this court in this case and others, that he is performing responsibly and in accordance with the applicable rules and court orders. Furthermore, if the court were to terminate the appointment of Harville, Gatti would be at an extraordinary disadvantage in attempting, from behind bars in a prison hundreds of miles away, to prepare for the hearing. Accordingly, the **Motion to Dismiss Appointed Counsel (Doc. 405)** is **denied**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 26th day of May, 2009.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE